

REMARKS

Status of the Claims

Claims 1-21 are pending in the application.

Claims 20 and 21 are allowed.

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph as indefinite.

Claims 1, 2, 5-8, 10, 18 and 19 are rejected under 35 U.S.C. § 102(b) as anticipated: claims 1, 2, 8 and 18 in view of U.S. Patent No. 4,259,959 and claims 1, 5-7, 10, 18 and 19 in view of U.S. Patent No. 5,383,897.

Claims 3, 4, 9, 11-17 are objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim 9 has been canceled without prejudice to the applicant prosecuting this claim in one or more continuation or divisional applications.

Claims 1, 7 and 18 have been amended.

Claims 22-65 are newly added by amendment herein.

Amended Claims

Claim 7 has been amended to obviate the indefiniteness rejection by reciting "therapeutic agent" instead of "therapeutic growth factor". Support for the recitation is provided in the specification at page 10, line 10.

Claim 1 has been rewritten to include the limitations of claim 9, which was indicated by the Examiner to contain allowable subject matter and to be allowable if rewritten in independent form including all the limitations

of the base claim. Claim 1, as amended, is therefore allowable. Claims 2-8 and 9-17, depend from allowable claim 1, and therefore also are allowable.

Claim 18 has been amended to incorporate the subject matter indicated to be allowable in claims 11 and 12, and now recites a method of performing an anastomosis of body vessels or tubes. Support for this amendment is provided in the specification, particularly at page 11, lines 4-25; page 12, lines 1-10; page 14, lines 3-8; and FIGS. 5, 6 and 11.

New claim 22 rewrites claim 3 in independent form and includes the limitations of as-filed claims 1 and 2. Claim 3 was indicated by the Examiner to contain allowable subject matter and to be allowable if rewritten in independent form incorporating all the limitations of the base claim and any intervening claims. New claims 23-34 depend from claim 22 and are otherwise essentially identical to as-filed claims 4-6 and 8-17, respectively.

New claim 35 rewrites claim 11 in independent form and includes the limitations of as-filed claims 1 and 10. Claim 11 was indicated by the Examiner to contain allowable subject matter and to be allowable if rewritten in independent form incorporating all the limitations of the base claim and any intervening claims. New claims 36-40 depend from claim 35 and are otherwise essentially identical to as-filed claims 5, 6, 8, 9 and 13, respectively.

New claim 41 rewrites claim 12 in independent form and includes the limitations of as-filed claims 1 and 10. Claim 12 was indicated by the Examiner to contain allowable subject matter and to be allowable if rewritten in independent form incorporating all the limitations of

the base claim and any intervening claims. New claims 42-46 depend from claim 41 and are otherwise essentially identical to as-filed claims 5, 6, 8, 9 and 13, respectively.

New claim 47 rewrites claim 13 in independent form and includes the limitations of as-filed claim 1. Claim 13 was indicated by the Examiner to contain allowable subject matter and to be allowable if rewritten in independent form incorporating all the limitations of the base claim and any intervening claims. In addition, the preamble of claim 47 has been changed to recite "apparatus for performing side anastomosis," for which support is found in the specification, particularly at page 14, lines 3-8 and FIG. 11. New claims 48-54 depend from claim 47 and are otherwise essentially identical to as-filed claims 5, 6 and 8-12, respectively.

New claim 55 rewrites claim 16 in independent form and includes the limitations of as-filed claim 1. Claim 16 was indicated by the Examiner to contain allowable subject matter and to be allowable if rewritten in independent form incorporating all the limitations of the base claim and any intervening claims. In addition, the preamble of claim 55 has been changed to recite "apparatus for repairing cartilage," for which support is found in the specification, particularly at page 12, lines 11-27 and FIG. 7. New claims 56-59 depend from claim 55 and are otherwise essentially identical to as-filed claims 5, 6, 8 and 9, respectively.

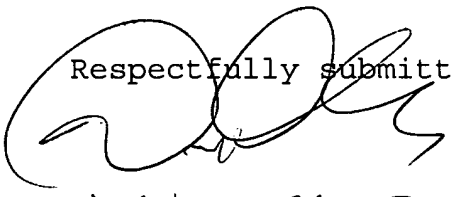
New claim 60 rewrites claim 17 in independent form and includes the limitations of as-filed claim 1. Claim 17 was indicated by the Examiner to contain allowable subject matter and to be allowable if rewritten in

independent form incorporating all the limitations of the base claim and any intervening claims. In addition, the preamble of claim 60 has been changed to recite "apparatus for repairing an intervertebral disc," for which support is found in the specification, particularly at page 12, lines 28-33 to page 13, lines 1-7 and FIG. 8. New claims 61-65 depend from claim 60 and are otherwise essentially identical to as-filed claims 5, 6, 8, 9 and 16, respectively.

CONCLUSION

In view of the foregoing amendments and remarks, the applicant respectfully submits that the present application is in condition for allowance.

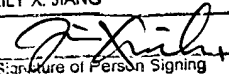
Respectfully submitted,

 REG. NO. 38,376
DANIEL M. BECK
FOR: Nicola A. Pisano
Reg. No. 34,408
Attorney for Applicant

c/o FISH & NEAVE
1251 Avenue of the Americas
New York, NY 10020
Tel.: (650) 617-4000

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Amendments to the Claims

Marked-Up Version Under 37 C.F.R. § 1.121(c)(1)(ii)

1. (amended) Apparatus for closing a wound comprising:

an elongated substrate comprising a biocompatible material, the elongated substrate having a first surface; and

a multiplicity of barbs projecting from the first surface, the multiplicity of barbs having tissue-penetrating distal ends[.],

wherein the multiplicity of barbs are cut from the substrate.

7. (amended) The apparatus of claim 1 [wherein the] further comprising a therapeutic [growth factor] agent [is] selected from a family of angiogenic growth factors.

18. (amended) A method for [closing a tissue wound] performing an anastomosis comprising:

providing a device comprising an elongated tubular substrate of a biocompatible material having a [first] surface and a multiplicity of barbs projecting from the first surface;

positioning the elongated tubular substrate within a [wound] vessel so that the multiplicity of barbs is directed towards [the tissue defining a perimeter of the wound] an interior or exterior surface of the vessel; and

squeezing the [perimeter of the wound] vessel against the multiplicity of barbs to adhere the [perimeter] interior or exterior surface of the [wound to the elongated substrate] vessel.